



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 20-015

AN ORDINANCE TO AMEND SECTIONS 94.13.02(9) *SPECIAL EXCEPTIONS*

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village adopted a new Chapter 94 in March 2015, to serve as the Village's zoning ordinance and the Village's extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, the Plan Commission requested staff bring forth an amendment to this ordinance at their November 9, 2020 meeting; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this ordinance, on December 14, 2020, in compliance with Wis. Stat. § 62.23; and

WHEREAS, following such hearing, the Village Plan Commission has recommended enactment of the zoning ordinance amendments contained herein for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee has recommended enactment of the zoning ordinance amendments contained herein for applicability within the extraterritorial zoning area; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendations of said Commission and Committee; and

WHEREAS, the Village Board finds the proposed amendments contained herein are reasonable, consistent with the Village Comprehensive Plan, and in the public interest.

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain as follows:

SECTION 1: Sections 94.13.02 (9): *Special Exceptions* are hereby amended to provide as follows:

Section 94.13.02: Sign Permitting and Approval Procedures

(9) Special Exceptions.

(a) Applicability and Procedure. Following submittal of a complete special exception application, the Plan Commission (or Extraterritorial Zoning Committee if in the ETZ

Area) may grant a special exception to one or more requirements in Sections 94.13.04(2)-(6), 94.13.05, 94.13.06, and 94.13.07. The application for special exception shall include materials required to obtain a sign permit under Section 94.13.02(2). The Zoning Administrator shall notify all landowners within 300 feet of the property on which the sign(s) are proposed, providing them an opportunity to express their opinion at the meeting at which the special exception will be considered.

(b) **Criteria.** No special exception shall be granted unless the Commission or Committee finds that the sign(s) authorized thereby, as limited by any enforceable conditions, will meet all of the following criteria:

1. Consistent with the purpose and intent of this Chapter and this Section.
2. Consistent with the Comprehensive Plan including any applicable aesthetic signage guidelines therein.
3. Not negatively affecting the reasonable use and development of nearby properties or the community.
4. Compatible with existing signage on and visible from the subject site and not significantly exceeding the height, area, or quantity of such existing signage.
5. Proportional with the scale of the subject site and the building(s) and use(s) on the subject site to which the sign relates or advertises.
6. Not hazardous, harmful, or otherwise adverse to the natural environment and aesthetic value of the site, nearby properties, and the community.
7. Not negatively affecting the safe and efficient installation, use, and maintenance of public facilities serving the area, including but not limited to roadways, sidewalks and paths, and utilities.
8. Supported by evidence that normally applicable requirements do not provide for sufficient visibility for the proposed signage or use(s) it advertises, such as a highway visibility study for freestanding signage that exceeds normally applicable height or area requirements.

SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.


SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.


Dated the 21st day of December 2020

WESTON VILLAGE BOARD

By:


Mark Maloney, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 12/21/20

PUBLISHED: 12/23/2020

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on December 21, 2020, the following Ordinances:

1. Ordinance No. 20-014: An Ordinance to Approve the Rezoning of 13.83 Acres Along State Highway 29 Between Zinser St and Progress Way from AR Agriculture and Residential to LI Limited Industrial.
2. Ordinance No. 20-015: An Ordinance to Amend Sections 94.13.02(9) Special Exceptions.
3. Ordinance No. 20-016: An Ordinance to Amend Section 94.11 within Chapter 94 of the Municipal Code, Affecting Landscaping Standards.
4. Ordinance No. 20-017: An Ordinance to Adopt Components of the Village's Comprehensive Plan; Consisting of Amendments to the Future Land Use Map Found in Map 3-1 in Volume 2: Vision and Direction.

The full text of Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov/499/Adopted-Ordinances>.

Dated this 21st day of December 2020.
Sherry Weinkauff, Village Clerk

Published: 12/23/2020